

EXHIBIT “H”

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

5 GERALD RUHNOW and CONNIE *
6 RUHNOW, *
7 Plaintiffs, *
8 *
9 VS. * NO. 2:05 CV 527-F
10 *
11 LANE HEARD TRUCKING, LLC, *
12 et al *
13 Defendants. *

16 ORAL DEPOSITION OF MICHAEL ADKINS,
17 a witness produced pursuant to the Federal Rules of
18 Civil Procedure, in the above-styled and numbered
19 cause on the 19th day of April, 2006, before Sheila
20 Hanson, CSR, a Notary Public in and for the State of
21 Alabama, at the law offices of Mr. Cliff Hastings
22 with Cervera, Ralph & Reeves, Attorneys at Law, Troy,
23 Alabama.

24 * * * * *

1

STIPULATION

3 It is stipulated by and between counsel
4 for the parties that this deposition be taken at this
5 time by Sheila Hanson, Court Reporter and Notary
6 Public, State at Large, who is to act as commissioner
7 without formal issuance of commission to her; that
8 said deposition shall be taken down stenographically,
9 transcribed, and certified by the commissioner.

10 Except for objections as to the form of
11 questions, no objections need to be made at the time
12 of the taking of the deposition by either party, but
13 may be interposed by either party at the time the
14 deposition is read into evidence, which shall be
15 ruled upon by the Court on the trial of the cause
16 upon the grounds of objection then and there
17 assigned.

18 The deponent, Mr. Michael Adkins, waives
19 the reading and signing of the deposition.

3

APPEARANCES

3 FOR THE PLAINTIFF:
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9 FOR THE DEFENDANT (Lane Heard Trucking):
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15 FOR THE DEFENDANT (Christy Leann Champion):
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21 MR. RANDALL GILL

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4

1 foot from the dirt to the asphalt of the turning lane
2 part.

3 Q So, how far is that from your
4 motorcycle?

5 A Ten feet -- eight to ten feet. It was
6 sitting in the right lane, but on the line towards
7 the left lane, like, more or less in between both
8 lanes.

9 Q It was perpendicular, as we said earlier,
10 laying on its side?

11 A It was on its side.

12 Q With the tires back towards Troy?

13 A No, sir. The headlight were pointing
14 southbound.

15 Q So, now, the headlight pointed
16 southbound?

17 A Right.

18 Q So it's not on its side pointed towards
19 the center of the highway and the edge of the
20 highway. It's headed towards Dothan?

21 A Right. I could see my wheels and
22 taillights to the left of me.

23 Q Was the taillight on?

24 A Yes, sir.

25 Q It was?

17

1 that a truck just hit your motorcycle?

2 A I seen right as the truck run over my
3 bike, his right tire jacked up and turned to the
4 left. And immediately he just went at an angle
5 across the road. Halfway across my motorcycle blew
6 up. And then I seen a huge explosion. I thought his
7 truck blew up. And then six or seven small
8 explosions took place.

9 Q Do you have a judgment, Mr. Adkins, as to
10 how fast the truck was traveling at impact between
11 that truck and your motorcycle?

12 MS. HAMMETT: Object to the form.

13 A 65 to 70 miles per hour.

14 Q Did you see it at all before the impact
15 with your motorcycle?

16 A No, sir.

17 Q So you are not in a position to tell me
18 whether or not the truck took any evasive action
19 prior to impact?

20 A When the truck run over my motorcycle,
21 there was no brake lights. There was a screeching --
22 just seen the tire jacked up. He had to go where he
23 went from there.

24 Q Did any vehicles -- strike that. After
25 your impact with the car, and you're sitting in the

19

1 A Yes, sir.

2 Q It was not broken in the impact?

3 A No, sir.

4 Q You could see the flood of that light on
5 the road?

6 A Yes, sir.

7 Q Were her lights on?

8 A I don't recall the taillights being on,
9 but I know the headlights were on.

10 Q Were the taillights on as you approached
11 --

12 A Yes, sir.

13 Q -- before any of these impacts
14 occurred?

15 A Yes, sir.

16 Q Did she have her blinkers on as --

17 A Yes, sir.

18 Q So you knew what she was planning on
19 doing?

20 A I knew she was coming to the left lane.
21 I didn't know she was going to come into my lane,
22 too.

23 Q What kind of motorcycle do you have?

24 A 650 Silverado, Yamaha.

25 Q Describe what you saw after you realized

18

1 middle of the left-hand lane?

2 A Uh-huh.

3 Q You get up, you're taking your helmet
4 off, and you're going to talk to Ms. Champion. Did
5 any cars pass headed South?

6 A No, sir. There was no cars on the road
7 at all.

8 Q Between your impact with her car and the
9 truck's impact with the motorcycle?

10 A Not to my knowledge, I didn't see any.

11 Q Do you have a judgment, Mr. Adkins, as to
12 how long you were in the road before you got up to go
13 ask Ms. Champion: What the hell just happened?

14 A Just a few seconds. Because I knew there
15 was traffic behind me.

16 Q You were sitting in the middle of the
17 road?

18 A I was laying on my stomach, and I just
19 knew --

20 Q Did you slide down the highway on your
21 stomach?

22 A I slid on my stomach, feet first.

23 Q What were your injuries?

24 A My right left -- right leg had a few
25 --contusions, as they call it. My wrist was broken

20